

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

E.R.R.,	:	
	:	
Petitioner,	:	
	:	
v.	:	Case No. 4:25-cv-33-CDL-AGH
	:	28 U.S.C. § 2241
RUSSELL WASHBURN, <i>et al.</i> ,	:	
	:	
Respondents.	:	

ORDER

On February 20, 2025, Respondents filed a Motion to Dismiss Petitioner’s application for habeas relief (ECF Nos. 4, 1). Under the procedures and policies of this Court, motions to dismiss are normally decided on briefs. The Court considers the pleadings and the petition in deciding whether dismissal is appropriate. The parties may submit their argument to this Court by filing briefs in support of or briefs in opposition to said motions. Petitioner should respond to Respondents’ Motion to Dismiss in accordance with this Order.

The law provides that the party against whom dismissal is sought must be given ten (10) days’ notice of the dismissal rules. In addition, the party upon whom a motion to dismiss has been filed has the right to file a brief in opposition to a motion to dismiss. If he fails to file a brief in opposition to the motion to dismiss, a final judgment may be rendered against him if otherwise appropriate under law.

**FAILURE OF PETITIONER TO RESPOND TO AND REBUT THE
LEGAL ARGUMENTS SET FORTH IN RESPONDENTS' BRIEF MAY
RESULT IN SAID STATEMENTS BEING ACCEPTED AS UNCONTESTED
AND CORRECT.**

The Court could grant judgment to Respondents and there would be no hearing or further proceedings regarding this case. Accordingly, Petitioner is notified of his right to file a response to Respondents' Motion to Dismiss. Any such response should be filed within thirty (30) days of the date of this Order. Thereafter, the Court will consider Respondents' Motion to Dismiss and any opposition to same filed by Petitioner and issue its ruling thereon.¹

SO ORDERED, this 20th day of February, 2025.

s/ Amelia G. Helmick
UNITED STATES MAGISTRATE JUDGE

¹ Respondents indicate that Petitioner has been transferred to El Paso, Texas, in preparation for Petitioner's removal. *See* Resp'ts' Mot. to Dismiss 2-3, ECF No. 4. The Clerk is **DIRECTED** to forward a service copy of this Order to Petitioner at the address listed for Petitioner on the certificate of service accompanying Respondents' motion to dismiss. *Id.* at 8.